

REMARKS

Claims 1-3, 7-10 and 12-14 have been amended. Claims 1-4 and 6-14 are pending in this application.

Claims 1-4, 6, 9-11 and 14 were rejected under 35 U.S.C. § 112, second paragraph ("Section 112"), as being indefinite, based on use of the phrase "operable to." The Section 112 rejections are respectfully traversed. The phrase "operable to," as used in each of the claims rejected under Section 112, serves to precisely define the structural element preceding the phrase. For example, referring to claim 1, line 3, the phrase "operable to" serves to define the information management apparatus of the claimed communications system as providing for managing of playing positions of contents. Accordingly, it is respectfully submitted that claims 1-4, 6, 9-11 and 14 are not indefinite, and the Examiner is respectfully requested to withdraw the rejections of claims 1-4, 6, 9-11 and 14 under Section 112.

Claims 10-14 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,064,380 (Swenson). In addition, claims 1-4 and 6-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Swenson.

Amended independent claim 10 recites, in relevant part, the following:

means for storing a time stamp in association with predetermined identification information and access right information ... said time stamp representing a playing position of said content provided via said network,

said management means is operable to manage the provision of said content from the playing position represented by said time stamp based on said associated access right information when the information processing apparatus transmits said identification information and

requests that said content be played from the playing position represented by said time stamp.

(Emphasis added). Accordingly, the information management apparatus of claim 1 may store a time stamp, which represents a playing position of content, in association with predetermined identification information and access right information. The identification information may include, for example, the ID of a user who desires to play the content, the ID of a device being used by a user who desires to play the content, and the ID of a group to which a user belongs. The access right information may include information for authorizing access to the time stamp for the content in accordance with a user ID, a device ID or a user group ID, in other words, the identification information, transmitted from an information processing apparatus. (See specification, for example, at paragraphs [0083]-[0084] and FIG. 10).

The applied portions of Swenson appear to describe storing the time position of content, and obtaining access to the stored time position of the content based on submission of logon information by a user. Nowhere do the applied portions of Swenson appear to disclose or suggest storing a time stamp in association with "identification information and access right information" and, when identification information is transmitted from an information processing apparatus requesting playback of the content from the playing position represented by the time stamp, managing playing of the content from the time stamp "based on said associated access right information," in other words, confirming an access right in accordance with the associated access right information, as required by claim 10.

Accordingly, for at least the reasons set forth above, claim 10 is patentable over Swenson.

For reasons similar to or somewhat similar to those previously described with regard to claim 10, it is also respectfully submitted that amended independent claims 12-14 are also patentable over Swenson.

In addition, claim 11, which depends from claim 10, also is patentable over Swenson for the same reasons as set forth above for claim 10, and because of the further restrictions it includes.

Further, amended independent claims 1-3 and 7-9 include limitations corresponding to those of claim 1 discussed above. Therefore, claims 1-3 and 7-9 are patentable over Swenson for at least the same reasons as set forth above for claim 1.

Also, claim 4, which depends from claim 3, is patentable over Swenson for the same reasons as set forth above for claim 1, and because of the further restrictions it includes.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By

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